REMARKS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the following remarks. By this Reply, claims 1-6 and 8-14 have been canceled, and claims 15-30 have been added. Thus, claims 7 and 15-30 are pending. Claims 7, 15, 17, 19, 22, 25, 29, and 30 are independent.

Allowable Subject Matter

Claim 7 is rejected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Claim 7 has been rewritten as suggested. Applicant requests that claim 7 be allowed.

Rejection under 35 U.S.C. §103(a)

Claims 1-6 and 8-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich et al. (U.S. Patent No. 6,317,609) ("Alperovich") in view of Veijola et al (U.S. Patent No. 6,128,509) ("Veijola"). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich in view of Veijola and in further view of Schrock et al. (U.S. Patent No.

6.,128,446) ("Schrock"). These rejections are respectfully traversed.

While not conceding the appropriateness of the rejections, but merely to advance prosecution of the present application, claims 1-6 and 8-14 are canceled in favor of added claims 15-30. It is believed that all new claims are distinguishable over the cited references.

To sustain a rejection under Section 103, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection must fail. In this instance, this requirement is not met in regards to claims 15-30.

For example, independent claim 15 recites, *inter alia*, "transmitting the prepared image *list* data from said image processor to said portable telephone set." *Emphasis added.* It is noted that Alperovich discloses that the digital images 355 stored in the memory 350 of the digital camera 300 can be sent

to a receiving terminals via a user interface of the mobile station 20. *See Alperovich, column 4, lines 36-46.*

However, there is no teaching or suggestion that the digital camera 300 prepares an image list data to the mobile station 20. This is logical because presumably, the mobile station 20 has direct access to the memory 350 of the digital camera. Thus, there would be no need for the digital camera 300 to prepare the image list data to be transmitted to the mobile station 20 at all.

Neither Veijola nor Schrock may be relied upon to correct at least this deficiency of Alperovich. Therefore, claim 15 is distinguishable over the cited references, individually or in combination, for at least the reasons stated above.

Independent claim 17 recites, *inter alia*, "transmitting the kept image list data or thumb-nail image list data from said server to said portable telephone set." Again, because none of Alperovich, Veijola, and Schrock teaches or suggests either image list data or thumb-nail image list data, they cannot teach or suggest transmitting the same from the server to the portable telephone set as featured. Therefore, for at least this reason, claim 17 is distinguishable over the cited references, individually or in combination.

Also, independent claim 19 recites, *inter alia*, "list receiving means for receiving image list data transmitted from said image processor"; independent claim 22 recites, *inter alia*, "list receiving means for receiving image list data or thumb-nail image list data transmitting from said server"; independent claim 25 recites, *inter alia*, "list transmitting means for transmitting the image list data to said portable telephone set"; independent claim 29 recites, *inter alia*, "list creation means for creating image list data"; and independent claim 30 recites, *inter alia*, "first receiving means for receiving selectable image identification data transmitting from said image processor." It has been shown above that the features cites above are not taught or suggested in any of the cited references. Therefore, these independent claims are distinguishable over the cited references, individually or in combination.

Claims 16, 18, 20-21, 23-24, and 26-28 depend from independent claims 15, 17, 19, 22, 25, and 29, directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also distinguishable over the cited references.

.   Applicant respectfully requests that new claims 15-30 be allowed.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Should any issues remain, however, the Examiner is invited to telephone Hyung Sohn (Reg. No. 44,346) at (703) 205-8000 in an effort to expedite prosecution.

.   If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

                              Respectfully submitted,

                              BIRCH, STEWART, KOLASCH & BIRCH, LLP
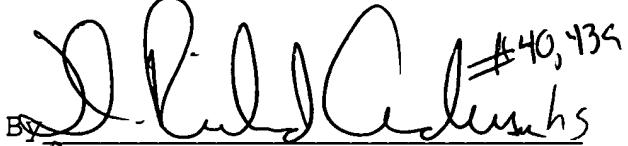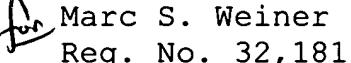
                              By _____ #40,439
                                 Marc S. Weiner
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<u>*MARKED-UP COPY OF AMENDMENTS*</u>

<u>*IN THE SPECIFICATION*</u>:

Please amend the paragraph beginning on page 20, line 5, as follows:

The image data is outputted from the transmission-receiving buffer 63, and is fed to the transmission-receiving circuit 64. In the transmission-receiving circuit 64, a <u>first</u> carrier having a <u>first predetermined</u> frequency [of], for example 1.5 GHz, is modulated by the image data. The <u>first</u> carrier modulated by the image data is fed to the built-in antenna 41. The <u>first</u> carrier modulated by the image data is transmitted to the server 100 or the portable telephone set 40B through the network by the built-in antenna 41.

Please amend the paragraph beginning on page 20, line 21, and ending on page 21, line 2, as follows:

The image data is outputted from the transmission-receiving buffer 63, and is fed to the transmission-receiving circuit 62. The transmission-receiving circuit 62 has a <u>second</u> carrier having a <u>second predetermined</u> frequency [(], for example 2.4 GHz[)], different from the <u>first predetermined frequency of</u> carrier in the transmission-receiving circuit 64. The <u>second</u>

carrier having a frequency of 2.4 GHz is modulated by the image data. The <u>second</u> carrier modulated by the image data is fed to the built-in antenna 61. The <u>second</u> carrier is transmitted to the digital still camera 1A by the built-in antenna 61.

IN THE CLAIMS:

Please cancel claims 1-6 and 8-14 without prejudice or disclaimer.

Please amend claim 7 as follows:

7. (Amended) [The] <u>A</u> portable telephone set [according to claim 6, further] <u>which can establish data communication with a first image processor storing image data,</u> comprising<u>:</u>

<u>command means for issuing a reading command to read out the image data to said first image processor;</u>

<u>setting means for setting a destination of transmission of the image data;</u>

<u>first receiving means for receiving the image data transmitted from said image processor in response to the reading command issued by said command means;</u>

<u>first transmission means for transmitting the image data received by said first receiving means to the destination of</u>

transmission set by said setting means through a communication network;

second receiving means for receiving the image data transmitted through the communication network;

second transmission means for transmitting the image data received by said second receiving means to a second image processor; and

judgment means for judging whether or not the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor, said second receiving means receiving the image data when it is judged that the data amount of the image data to be received by said second receiving means is not more than the amount of data which can be stored in said second image processor.

Claims 15-30 have been added.